

EXHIBIT C

No.	Topic	Status	Additional Related Information
1	YOUR decisions to hire and terminate Plaintiff Gerald Hayden.	Withdrawn (Ex. B)	
2	YOUR training, orientation, and onboarding for new IBM employees generally and Plaintiff Gerald Hayden specifically, in November 2015, concerning, without limitation, policies related to protection of intellectual property, confidential or proprietary information, or trade secret(s), including any specific discussions or instructions with Plaintiff about IBM's Agreement Regarding Confidential Information, Intellectual Property and Other Matters (IBM-HAYDEN-000234278), his preparation of that form, and the information he listed on that that form.	Agreement reached (Ex. B)	
3	IBM's policies regarding the protection of IBM's and its employees' intellectual property, including IBM's Form Agreement Regarding Confidential Information, Intellectual Property and Other Matters (e.g. IBM-HAYDEN-000234278), and <i>specifically whether IBM has <u>ever</u> licensed employee intellectual property, the circumstances under which it has done so, and whether IBM has <u>ever</u> terminated any employees for using the IP of other IBM employees.</i> (emphasis added)	Improper	
4	IBM's policies with respect to the assignment of Billing and Pursuit Code ("B&P Code"), engagement code, collaboration rules, and/or entitlement for bonuses during the period of November 2015 to the date of the Complaint.	Agreement reached (Ex. B)	

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5	YOUR decision to terminate Plaintiff Gerald Hayden and Daniel Gotlieb.	Improper	Mr. Gotlieb is not a party to this case.
6	IBM's plans or efforts to build a "SuperCRM," using customer data from sources on a hybrid cloud.	Improper	<p>"Plaintiff will narrow this request to a witness who will speak about the Super CRM referred to in IBM-HAYDEN-000194884; additionally, we are informed that Fred Balboni was developing a similar CRM." Ex. B at 2.</p> <p>The document Plaintiff cites does not relate to IBM but rather to other companies (including Salesforce). Plaintiff also makes a conclusory statement about Fred Balboni that is untethered to any time frame or other factual information. This information does not appropriately narrow this topic, and thus does not fairly specify a topic for corporate testimony.</p>
7	<p>IBM's Cloud for Financial Services <i>generally and specifically</i>, each of the following:</p> <ul style="list-style-type: none"> a. Initial conception of idea; b. Development; c. Features and Functions, and modifications; d. Marketing; e. Costs; f. Revenues; and g. Royalties. 	Improper	<p>Plaintiff now proposes obtaining even more documents before narrowing this request (even though he has had since May 2022 to correct his overbroad document demands). Ex. B at 2.</p> <p><i>See, also</i>, 05/17/22 RFP No. 30:</p> <p>From 2009 to the present, all literature, whitepapers, marketing materials, demo tapes for the following Products:</p> <p>...</p> <ul style="list-style-type: none"> • Cloud for Financial Services

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			<p>...</p> <p>Denied by the Court at Dkt. 74, 39:5-42:7.</p>
8	<p>IBM's Open Banking Platform <i>generally and specifically</i>, each of the following:</p> <ul style="list-style-type: none"> a. Initial conception of idea; b. Development; c. Features and Functions, and modifications; d. Marketing; e. Costs; f. Revenues; and g. Royalties. 	Improper	<p>Plaintiff now proposes obtaining even more documents before narrowing this request (even though he has had since May 2022 to correct his overbroad document demands). Ex. B at 2.</p> <p><i>See, also</i>, 05/17/22 RFP No. 31:</p> <p>From 2009 to the present, documents and communications reflecting IBM's strategies, plans, products, marketing, or publications about:</p> <ul style="list-style-type: none"> ... • Open Banking ... <p>Deferred by Plaintiff at Dkt. 62 at 71:12-15. Discussed by Court at Dkt. 74, 44:23-45:7.</p> <p>"open banking AND platform" was a search term run on 38 custodians identified by Plaintiff</p>
9	<p>IBM's Cloud Pak products <i>generally and specifically</i>, each of the following for Cloud Pak for Data, Cloud Pak for Integration, Cloud Pak for MultiCloud Management, Cloud Pak for Security, Cloud Pak for Watson AIOps,</p>	Improper	<p>Plaintiff now proposes obtaining even more documents before narrowing this request (even though he has had since May 2022 to correct his overbroad document demands). Ex. B at 2.</p>

No.	Topic	Status	Additional Related Information
	<p>Cloud Pak for Applications, Cloud Pak for Network Automation, Cloud Pak for Automation:</p> <ul style="list-style-type: none"> a. Initial conception of idea; b. Development; c. Features and Functions, and modifications; d. Marketing; e. Costs; f. Revenues; and g. Royalties. 		<p><i>See, also</i>, 05/17/22 RFP No. 30:</p> <p>From 2009 to the present, all literature, whitepapers, marketing materials, demo tapes for the following Products:</p> <p>...</p> <ul style="list-style-type: none"> • Cloud Paks <p>...</p> <p>Denied by the Court at Dkt. 74, 39:5-42:7.</p>
10	<p>IBM's Cognitive Enterprise <i>generally and specifically</i>, each of the following:</p> <ul style="list-style-type: none"> a. Initial conception of idea; b. Development; c. Features and Functions, and modifications; d. Marketing; e. Costs; f. Revenues; and g. Royalties. 	Improper	<p>Plaintiff now proposes obtaining even more documents before narrowing this request (even though he has had since May 2022 to correct his overbroad document demands). Ex. B at 2.</p> <p><i>See, also</i>, 05/17/22 RFP No. 30:</p> <p>From 2009 to the present, all literature, whitepapers, marketing materials, demo tapes for the following Products:</p> <p>...</p> <ul style="list-style-type: none"> • Cognitive Enterprise <p>...</p> <p>Denied by the Court at Dkt. 74, 39:5-42:7.</p>
11	<p>IBM Intelligent Workflows products or solutions, <i>generally and specifically</i>, each of the following for IBM</p>	Improper	<p>Plaintiff now proposes obtaining even more documents before narrowing this request (even though he has had since May 2022 to</p>

No.	Topic	Status	Additional Related Information
	<p>Cloud Paks, Planning Analytics, Cognos Analytics, Watson Studio, Watson Discovery, Watson Assistant:</p> <p>a. Initial conception of idea; b. Development; c. Features and Functions, and modifications; d. Marketing; e. Costs; f. Revenues; and g. Royalties.</p>		<p>correct his overbroad document demands). Ex. B at 2.</p> <p><i>See, also</i>, 05/17/22 RFP No. 31:</p> <p>From 2009 to the present, documents and communications reflecting IBM’s strategies, plans, products, marketing, or publications about:</p> <p>...</p> <ul style="list-style-type: none"> • Intelligent Workflows <p>...</p> <p>Deferred by Plaintiff at Dkt. 62 at 71:12-15. Discussed by Court at Dkt. 74, 44:23-45:7.</p> <p>“intelligent workflow*” was a search term run on 38 custodians identified by Plaintiff</p>
12	Market analyses, analyses of competitors, and Return on Investment (ROI) or download reports (e.g., IBM-HAYDEN-001644311) concerning IBV papers related to Cognitive Enterprise or Intelligent Workflows).	Improper	<p>“This topic is not limited to IBV documents; it seeks information about market analysis, analyses of competitors and Return on Investment reports specifically relating to the Cognitive Enterprise or Intelligent Workflows strategy.” Ex. B at 5.</p> <p>This does not fairly specify a topic for corporate testimony.</p>
13	Royalties paid by IBM partners to YOU related to Intelligent Workflows products and/or solutions.	Improper	Plaintiff now proposes obtaining even more documents before narrowing this request

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			<p>(even though he has had since May 2022 to correct his overbroad document demands). Ex. B at 2.</p> <p><i>See, also</i>, Dkt. 74 at 41:8–14 (“In addition, the Court finds plaintiff’s request for any product utilizing intelligent workflows from 2017 to the present to be patently overbroad. Again, ESI is being produced, once that ESI is produced and reviewed there may be a need for follow-up documents based on that. I would want targeted requests for specific areas, not this overbroad request.”)</p>
14	<p>IBM Bluewolf/Salesforce Lightning Bolt Products (e.g. IBM Bluewolf Lightninig Bolt for Insurance, for Telco, for Clinical Trials and Patient Management) (GH_00021595) generally and specifically, each of the following:</p> <ul style="list-style-type: none"> a. Initial conception of idea; b. Development; c. Features and Functions, and modifications; d. Marketing; e. Costs; f. Revenues; and g. Royalties. 	Improper	<p>Plaintiff now proposes obtaining even more documents before narrowing this request (even though he has had since May 2022 to correct his overbroad document demands). Ex. B at 2.</p> <p><i>See, also</i>, 05/17/22 RFP No. 25:</p> <p>All strategy documents, whitepapers, agreements and contracts for the following acquisitions and partnerships:</p> <ul style="list-style-type: none"> • Bluewolf ... <p>Deferred by Plaintiff at Dkt. 62 at 71:12-15. Discussed by Court at Dkt. 74, 44:23-45:7.</p>

No.	Topic	Status	Additional Related Information
15	IBM has not denied that it incorporated Plaintiff's IP into its products or solutions; if it is IBM's position that IBM did so, but had a right to do so, then: IBM's incorporation of any of the elements identified in Plaintiff's response to Defendants' Interrogatory No. 1, as supplemented, into any IBM solution(s), product(s) or service(s).	Withdrawn (Ex. B)	
16	The reason(s) for and timing of YOUR decision to acquire Red Hat, Inc.	Improper	<p>"Plaintiff will withdraw this Topic if Defendants produce the document submitted to its Board recommending and/or seeking approval to acquire Red Hat." Ex. B at 7.</p> <p>This is irrelevant to Plaintiff's claims and he does not need such information.</p>
17	YOUR revenue from RedHat Open Shift and RedHat Marketplace from 2018 to the present, and to the extent such revenue is captured in relation to Cognitive Enterprise or Intelligent Workflows products or solutions, then by product or solution.	Improper	IBM announced the completion of its acquisition of Red Hat on July 9, 2019. Red Hat's revenues from 2018 to the present could not be relevant. Additionally, Red Hat is a distinct entity not a party to this case.
18	The reason(s) for and timing of YOUR decision to acquire TruQua Enterprises, LLC.	Improper	<p>"Plaintiff will withdraw this Topic if Defendants produce the document submitted to its Board recommending and/or seeking approval to acquire TruQua." Ex. B at 7.</p> <p>This is irrelevant to Plaintiff's claims and he does not need such information.</p>

No.	Topic	Status	Additional Related Information
19	The reason(s) for YOUR decision to commission Reinventing Workflows from Forrester Consulting in 2019, YOUR COMMUNICATIONS with Forrester Consulting about this report, and the amount paid to Forrester Consulting for this report.	Improper	<p>“[T]his is relevant to Plaintiff’s allegation that IBM used IBV to create a market for Intelligent Workflows, masking as thought leadership and independent study.” Ex. B at 7.</p> <p>Defendant Shanker Ramamurthy testified last Thursday:</p> <p>Q. Was one of the roles of Institute for Business Value to create a market for products that IBM was developing and educate the marketplace about them?</p> <p>A. The primary role is to come up with thought leadership looking out. Their work tends to be empirically grounded with fact-based data. Now, as they create the thought leadership, capabilities of IBM Consulting get kind of built to execute on the ideas that might have been in IBV. But they are a thought leadership arm.</p> <p>Q. But isn’t one of the purposes of the Institute for Business Value for IBM to go out and prepare the way to educate the marketplace about where IBM thinks the market should be going and to make those people interested in the products that IBM is developing?</p>

No.	Topic	Status	Additional Related Information
			A. It does not -- it does not – it's not about, you know, preparing the world for IBM products. It is a thought leadership arm.
20	Patents concerning Cognitive Enterprise or Intelligent Workflows products or solutions and revenues derived from those patents through licensing or otherwise.	Improper	<p>“Plaintiff proposes to limit this Topic to the 8 patents identified in his response to Defendants’ Interrogatory No. 24.” Ex. B at 8.</p> <p>There are two patents and six patent applications identified in response to Defendants’ Interrogatory No. 24. Six of them are described as follows: “Plaintiff identifies the following additional patents which he is beginning to investigate that he believes demonstrate development or application of his intellectual property.” He has the patents and patent applications. He can say whether or not he is making an allegation. Additionally, it is unclear what testimony is sought directed to the documents, themselves.</p>
21	Royalties paid by YOU to any PERSON related to any of the patents identified in Plaintiff’s response to Defendants’ Interrogatory No. 24, as supplemented.	Improper	<p>As stated in Defendants’ objection, “As the owner, IBM does not require a license and therefore does not pay royalties.”</p> <p>Additionally, six of the eight documents identified in Plaintiff’s response are published patent applications, not issued patents.</p>

No.	Topic	Status	Additional Related Information
22	Reorganization of IBM GTS and the creation of IBM Garage and IBM iX.	Withdrawn (Ex. B)	
23	<p>IBM Garage or iX projects or engagements concerning Intelligent Workflows products or solutions <i>generally, and specifically</i>, each of the following:</p> <ul style="list-style-type: none"> a. Clientele; b. Deliverables to each client; c. Costs; and d. Revenues/Profits. 	Improper	<p>Plaintiff now proposes obtaining even more documents before narrowing this request (even though he has had since May 2022 to correct his overbroad document demands). Ex. B at 2.</p> <p><i>See also</i>, Dkt. 74 at 41:8–14 (“In addition, the Court finds plaintiff’s request for any product utilizing intelligent workflows from 2017 to the present to be patently overbroad. Again, ESI is being produced, once that ESI is produced and reviewed there may be a need for follow-up documents based on that. I would want targeted requests for specific areas, not this overbroad request.”)</p>
24	IBM’s Fall Plans for Banking and Financial Services from 2016 to the present.	Improper	“Plaintiff may withdraw this Topic if the information is obtained through the depositions of the currently scheduled deponents.” Ex. B at 8.
25	<p>IBM’s partnerships, products developed with and revenues derived from YOUR work with each of the following:</p> <ul style="list-style-type: none"> a. Salesforce; b. SAP; c. Deloitte; 	Improper	Plaintiff now proposes obtaining even more documents before narrowing this request (even though he has had since May 2022 to correct his overbroad document demands). Ex. B at 2.

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	d. Adobe; e. Knowis; f. Intellect; g. Microsoft; h. Amazon Web Services; i. Fenargo; and j. Equifax.		This topic relates to all partnerships, all products, and all revenues derived from all work, regardless of relevance, with ten companies. This is entirely lacking in specificity or relevance.
26	The features and functions of any products/solutions offered and/or sold to each of the following: a. National Australia Bank; b. Mizuho; c. OP Bank; d. Ocean Bank; e. Fifth Third Bank; f. Banco Bilbao Zizcaya Argentaria (BBVA); g. WestPac; h. Yantra; i. American Express; j. Banco Santander; k. Deutsche Bank; l. JPMC; m. Wells Fargo; n. Lloyd's Banking Group; o. SunTrust BB&T; p. PayPal; q. BPER; r. MetLife; s. BNY Mellon; and t. Citibank.	Improper	Plaintiff now proposes obtaining even more documents before narrowing this request (even though he has had since May 2022 to correct his overbroad document demands). Ex. B at 2. This topic relates to all features and functions of any products/solutions offered and/or sold, regardless of relevance, with twenty financial institutions. This is entirely lacking in specificity or relevance.

No.	Topic	Status	Additional Related Information
27	The reason(s) for YOUR creation of the Platinum Partners program and any changes to that program in relation to the Cognitive Enterprise and/or Intelligent Workflows products or solutions.	Improper	Lacks specificity or relevance.
28	The real time balance sheet management services announced by IBM in partnership with Deloitte.	Improper	<p>“Plaintiff has a subpoena outstanding to Deloitte and will provide documentation concerning this topic.” Ex. B at 10.</p> <p>Plaintiff claimed to have been “informed” that IBM had such a partnership in his August 17, 2022 interrogatory responses. Dkt. 145-1 at 3. Yet he did not subpoena Deloitte until over a year later, on August 22 of this year. This topic lacks any specificity.</p>